

2013 DRAFTING REQUEST

Bill

Received: 11/21/2013	Received By: jkreye
Wanted: As time permits	Same as LRB:
For: Chris Kapenga (608) 266-3007	By/Representing: brian laron
May Contact:	Drafter: jkreye
Subject: Legislature - miscellaneous	Addl. Drafters:
	Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Kapenga@legis.wisconsin.gov**
 Carbon copy (CC) to: **joseph.kreye@legis.wisconsin.gov**
brian.larson@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Selecting state delegates for an article V convention

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye 11/21/2013			_____			
/P1	jkreye 12/20/2013	csicilia 11/26/2013	rschluet 11/26/2013	_____	srose 11/26/2013		
/P2	jkreye 1/8/2014	scalvin 12/20/2013	jmurphy 12/20/2013	_____	mbarman 12/20/2013		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3	jkreye 1/9/2014	csicilia 1/8/2014	jmurphy 1/8/2014	_____ _____	mbarman 1/8/2014		
/1		csicilia 1/9/2014	jmurphy 1/9/2014	_____ _____	sbasford 1/9/2014	sbasford 1/9/2014	

FE Sent For:

*None
Needed*

<END>

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Wanted: **As time permits** Same as LRB:
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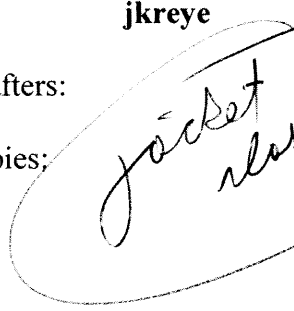
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14 <END> *ju**
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Wanted: As time permits Same as LRB:
For: Chris Kapenga (608) 266-3007 By/Representing: brian larsen
May Contact: Drafter: jkreye
Subject: Legislature - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Kapenga@legis.wisconsin.gov
Carbon copy (CC) to: joseph.kreye@legis.wisconsin.gov
brian.larsen@legis.wisconsin.gov

Pre Topic:

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Topic:

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Instructions:

See attached

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103 cjs 1/8
14

pm
4/8

FE Sent For:

<END>

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FE Sent For:		1P2 sac 12/20/2013		Jim 12/20			

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 Carbon copy (CC) to: joseph.kreye@legis.wisconsin.gov
 brian.larson@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

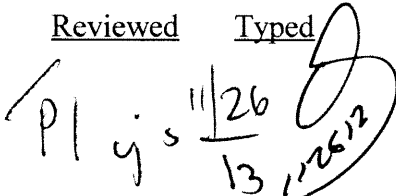
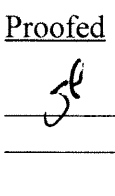
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/?	jkreye						

FE Sent For:

<END>

13 LC 25 6195

S. B. 206

- 1 -

Senate Bill 206

By: Senators Cowser of the 46th, Shafer of the 48th, Chance of the 16th, Hill of the 32nd,

Loudermilk of the 14th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 6 of Title 28 of the Official Code of Georgia Annotated, relating to
2 interstate cooperation, so as to provide for delegations from the State of Georgia to certain
3 conventions called by the Congress of the United States for proposing amendments to the
4 Constitution of the United States pursuant to Article V of said Constitution; to provide an
5 effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Chapter 6 of Title 28 of the Official Code of Georgia Annotated, relating to interstate
9 cooperation, is amended by adding a new Code section to read as follows:

10 "28-6-8.

11 (a) As used in this Code section, the term:

12 (1) 'Article V application' means a resolution adopted by the General Assembly on the
13 same subject or containing the same proposed amendment text as not less than two-thirds
14 of the several states of the United States applying to the Congress of the United States for
15 said Congress to call an Article V convention by setting the time and place of such
16 convention.

17 (2) 'Article V convention' means a convention called by the Congress of the United
18 States upon application of the legislatures of not less than two-thirds of the several states
19 of the United States for the purpose of proposing amendments to the Constitution of the
20 United States as expressly provided in Article V of said Constitution.

21 (3) 'Delegate' means a person appointed as provided in this Code section to represent the
22 State of Georgia at an Article V convention.

23 (4) 'Delegation' means the entire group of delegates serving as such, collectively,
24 pursuant to this Code section.

25 (5) 'Legislative instructions' means any instructions given by resolution of the General
26 Assembly to delegates before or during an Article V convention.13 LC 25 6195

27 (6) 'Unauthorized amendment' means a proposed amendment to the Constitution of the
28 United States that is outside the subject matter of the Article V application, the call of the
29 Article V convention by the Congress of the United States, or any legislative instructions.

30 (b) Upon a call by the Congress of the United States for an Article V convention at which
31 each state of the United States is to have one equal vote, seven delegates shall be appointed
32 forthwith to represent the State of Georgia at such particular Article V convention as

33 follows:

34 (1) The Speaker of the Assembly shall appoint two delegates from the Assembly;

35 (2) The President of the Senate shall appoint two delegates from the Senate;

36 (3) The Governor shall appoint one delegate from the legislature; ~~and~~

37 ~~(4) One delegate shall be appointed upon the affirmative vote of not less than four of~~
38 ~~those six delegates who were appointed pursuant to paragraphs (1), (2), and (3) of this~~
39 ~~subsection.~~

40 (c) Any vacancy in the delegation due to death, resignation, ineligibility, recall, or other
41 reason shall be filled in the same manner as the original appointment.

7 delegates

5 delegates

42 (d) No delegate shall have the authority to vote to allow consideration of or vote to
43 approve an unauthorized proposed amendment to the Constitution of the United States.

44 (e) Any delegate casting a vote to allow consideration or approval of an unauthorized
45 proposed amendment may be immediately recalled by a majority of fellow delegates to convention
of the states ~~vote of the Speaker of the~~

~~46 House of Representatives, the President of the Senate, and the Governor;~~ the position of

47 such recalled delegate shall thereby be vacated; and such unauthorized vote shall be

48 nullified.

~~49 (f)(1) Each delegate shall be subject to the eligibility requirements of Code Section~~

~~50 45-2-1 and, upon qualification, shall be required to take the following oath:~~

~~51 'I do solemnly swear or affirm that to the best of my abilities, I will, as a delegate to an~~

~~52 Article V convention, uphold the Constitution and laws of the United States and the State~~

~~53 of Georgia. I will not vote to allow consideration of or to approve any unauthorized~~

~~54 proposed amendment to the United States Constitution.'~~

~~55 (2) Violation of the oath or affirmation provided in paragraph (1) of this subsection shall~~

~~56 be subject to the provisions of Code Section 16-10-1.~~

57 (g) The Secretary of State shall certify in writing to the Article V convention the

58 appointment of delegates, the recall of any delegate, the filling of any vacancy in the

59 delegation, and the nullification of any unauthorized votes cast by any delegate.

60 (h) No delegate shall be appointed pursuant to this Code section to an Article V

61 convention unless each state of the United States has one equal vote at such convention.

62 (i) Except upon the resignation, death, ineligibility, recall, or other vacation of office by

63 a delegate, the term of each delegate shall be for the duration of the particular Article V

64 convention for which purpose the delegate was appointed, and the delegation shall be

65 dissolved and disbanded upon the adjournment sine die of such convention."

~~67 This Act shall become effective upon the date of the adoption by the General Assembly
68 during the 2013-2014 biennium of a resolution applying to the Congress of the United States
69 to call for a convention for the purpose of proposing one or more amendments to the
70 Constitution of the United States as expressly provided in Article V of said Constitution. If
71 such a resolution is not adopted by the General Assembly during the 2013-2014 biennium,
72 this Act shall not become effective and shall stand repealed on January 1, 2015.~~

73 SECTION 3.

~~74 All laws and parts of laws in conflict with this Act are repealed.~~

Add Definition of Alternate

Add process of selecting alternates – to be the same as selecting delegates

Add language that states case where an alternate takes over if a delegate is voted out by peers

Please give me a call to discuss the red section.

Rep Kapenga

11-21-13

through Brian Borren et leg council
 Pdfult by end of November -

→ Article V convention

→ 5 delegates

all 5 delegates are members of legislature
 elected officers who end up as delegates

Should the 5th delegate be appointed some other way
 role of secretary of state?

the convention

certifying in writing, but to whom?

(what if congress has certification procedures
 inconsistent w/ state procedures?)

→ Should CAB be doing this? senate chief clerk?

problem w/ conflict with "one equal vote" per state

recalling delegates - should not be too easy to recall

the delegates - should the other members be able
 to vote out / recall a delegate

* the appointing authority cannot recall, but
 maintain a list of alternates

one recall process would have to end before another one starts

(b) "Article V convention" means a convention called by Congress upon application of the legislatures of at least two-thirds of the states in order to propose amendments to the U. S. Constitution, as provided by article V of the U. S. Constitution.

(c) "Legislative instructions" means any instructions contained in a joint resolution adopted by both houses of the legislature related to the article V convention and adopted before or during the convention.

(d) "Unauthorized amendment" means a proposed amendment to the U. S. Constitution that is outside of the scope of the subject matter of the article V application, the call of the article V convention, or any legislative instructions.

If (2) (a) ~~As~~ a result of an article V application, Congress calls an article V convention, and if each state represented at the convention has one vote, the legislature and the governor shall appoint 5 delegates to attend the convention as follows:

1. The assembly ^{of the assembly} speaker shall appoint 2 members of the assembly.

2. The senate ^{of the senate} president shall appoint 2 members of the senate.

3. The governor shall appoint 1 member of each ^{either} the assembly or the senate.

(b) Any vacancy in the delegation appointed under par. (a) shall be filled ^{filled} in the manner provided under par. (a).

(c) The term for each delegate appointed under par. (a) begins with the call of the Article V convention and ends on the day of the final adjournment of the convention.

(3) (a) No delegate appointed under sub. (2) may vote at an article V convention to consider or approve an unauthorized amendment.

1 (b) Any delegate voting in violation of par. (a) may be immediately dismissed
2 as a delegate by the approval of a majority of the other delegates appointed under
3 sub. (2) and the delegate's vote in violation of this subsection is void. No more than
4 one delegate at a time may be dismissed under this paragraph. If a delegate is
5 dismissed, another delegate may not be dismissed until a new delegate has been
6 appointed to replace the first dismissed delegate.

7 (c) The assembly speaker, senate president, and governor shall each maintain
8 a list of alternate appointees in case a delegate is dismissed as provided under par.

9 (b).

10 (4) The secretary of state shall certify in writing to the article V convention the
11 identity of the delegates appointed under sub. (2) or dismissed under sub. (3) (b), the
12 filling of any delegation vacancy, and the nullification of any vote taken in violation
13 of sub. (3) (a).

14 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3696/P1dn

JK./:....

g5

late

Representative Kapenga:

Please review this draft carefully to ensure that it is consistent with your intent. I have also sent a copy of the draft to Brian Larson at the Legislative Council for his review. ✓

This draft is based on the proposed legislation from Georgia. I did not, however, use some of the language that seemed unnecessary or inapplicable.

Please note that the draft's preferred procedure for an article V convention may conflict with whatever procedure Congress determines is necessary to run the convention. For example, Congress could allow states to have more than one vote each. Under the draft, Wisconsin would not appoint any delegates under that scenario. Does that mean that Wisconsin would not be represented at all at such a convention?

Consistent with the model from Georgia, this draft has the secretary of state certifying certain information to the convention. Do you want the secretary of state to have this duty or would you prefer to have someone else, such as the GAB or senate chief clerk, provide the certifications? ✓

Joseph T. Kreye
Senior Legislative Attorney
Phone: (608) 266-2263
E-mail: joseph.kreye@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3696/P1dn
JK:cjs:rs

November 26, 2013

Representative Kapenga:

Please review this draft carefully to ensure that it is consistent with your intent. I have also sent a copy of the draft to Brian Larson at the Legislative Council for his review.

This draft is based on the proposed legislation from Georgia. I did not, however, use some of the language that seemed unnecessary or inapplicable.

Please note that the draft's preferred procedure for an article V convention may conflict with whatever procedure Congress determines is necessary to run the convention. For example, Congress could allow states to have more than one vote each. Under the draft, Wisconsin would not appoint any delegates under that scenario. Does that mean that Wisconsin would not be represented at all at such a convention?

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Joseph T. Kreye
Senior Legislative Attorney
Phone: (608) 266-2263
E-mail: joseph.kreye@legis.wisconsin.gov

Kreye, Joseph

From: Koenen, Kyle
Sent: Friday, December 20, 2013 1:06 PM
To: Kreye, Joseph
Subject: LRB-3696

Joseph,

There were a few changes that Rep. Kapenga wanted to make to LRB-3696/P1. I have copied them below, and if it is possible to have the necessary changes made shortly after we return from holiday, that would be helpful. Thank you and feel free to give me a call if you have any questions.

Changes:

- ~~1.~~ P.1, line 5 – add after resolution “, as authorized under Article V of the U.S. Constitution, “
- ~~2.~~ P.1, line 6 – delete verbiage after legislature through line 9 and replace with “applying to Congress for an Article V convention for proposing amendments.”
- ~~3.~~ P.2, line 2 – change “in order to propose” to “for the purpose of proposing”
- ~~4.~~ P.2, line 3 – change “provided” to “authorized”
- ~~5.~~ P. 2, line 5-7 – delete section as no reference in bill
- ~~6.~~ P.2, line 10 – delete first “,” and replace with “or”
- ~~7.~~ P.2, line 10 – delete words after “convention”
- ~~8.~~ P.2, line 12 – delete from first , through “vote”
- ~~9.~~ P.3, line 3 – delete words from “and” through “void”
- ~~10.~~ P. 3, line 11 – delete “,” and replace with “and”
- ~~11.~~ P.3, line 12 – delete from “,” through line 13.
12. Need to add the following into the bill:
 - a. A Committee of Correspondence (the “Committee”) is to be created by the Legislature upon the call by Congress for an Article V Convention for Proposing Amendments (the “Convention”). The Committee is responsible for communication with the delegates to the Convention.
 - b. Delegate Communications – The Delegates shall direct all communicate with the Legislature to the Committee of Correspondence. This communication includes, but is not limited to adoption of rules or rules changes, language of any amendment being discussed, matters of administrative purpose, or anything requiring the sense of the legislature.
 - c. Rules – any adoption of rules or rules changes at the Convention must be approved by the Committee of Correspondence within 48 hours of notification by the delegates. If approval is not given, delegates authority is revoked.
 - d. Definition of “Delegate”

Kyle Koenen

Research Assistant
Office of Rep. Chris Kapenga
99th Assembly District
220 North, State Capitol
(608)266-3007

U



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3696/P1

JK:cjs/rts

ESAC RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 12-20-13
due monday
12-30
D-N

- 1 **AN ACT** ^{Gen. ext.} *to create* 13.176 of the statutes; **relating to:** appointing delegates for
2 a convention under Article V of the United States Constitution.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 **SECTION 1.** 13.176 of the statutes is created to read:
4 **13.176 Article V convention.** (1) In this section:
5 (a) "Article V application" means a joint resolution adopted by both houses of
6 the legislature on the same subject, or containing the same proposed amendment
7 text, as the resolutions adopted by the legislatures of at least two-thirds of the states
8 applying to Congress ^{for} to call an article V convention by setting the time and place for
9 convening the article V convention ^{for proposing amendments}

for the purpose of proposing
1 (b) "Article V convention" means a convention called by Congress upon
2 application of the legislatures of at least two-thirds of the states *in order to propose*
3 amendments to the U.S. Constitution, as *provided* by article V of the U.S.
4 Constitution. *authorized*

insert 2-4
5 (c) "Legislative instructions" means any instructions contained in a joint
6 resolution adopted by both houses of the legislature related to the article V
7 convention and adopted before or during the convention.

8 (d) "Unauthorized amendment" means a proposed amendment to the U. S.
9 Constitution that is outside of the scope of the subject matter of the article V
10 application, *or* the call of the article V convention, *or any legislative instructions*

11 (2) (a) If, as a result of an article V application, Congress calls an article V
12 convention, *stays* and if each state represented at the convention has one vote, the
13 legislature and the governor shall appoint 5 delegates to attend the convention as
14 follows:

15 1. The speaker of the assembly shall appoint 2 members of the assembly.

16 2. The president of the senate shall appoint 2 members of the senate.

17 3. The governor shall appoint 1 member of either the assembly or the senate.

18 (b) Any vacancy in the delegation appointed under par. (a) shall be filled in the
19 manner provided under par. (a).

20 (c) The term for each delegate appointed under par. (a) begins with the call of
21 the Article V convention and ends on the day of the final adjournment of the
22 convention.

23 (3) (a) No delegate appointed under sub. (2) may vote at an article V convention
24 to consider or approve an unauthorized amendment.

1 (b) Any delegate voting in violation of par. (a) may be immediately dismissed
2 as a delegate by the approval of a majority of the other delegates appointed under
3 sub. (2) and the delegate's vote in violation of this subsection is void. No more than
4 one delegate at a time may be dismissed under this paragraph. If a delegate is
5 dismissed, another delegate may not be dismissed until a new delegate has been
6 appointed to replace the first dismissed delegate.

7 (c) The speaker of the assembly, president of the senate, and governor shall
8 each maintain a list of alternate appointees in case a delegate is dismissed as
9 provided under par. (b).

10 (4) The secretary of state shall certify in writing to the article V convention the
11 identity of the delegates appointed under sub. (2) or dismissed under sub. (3) (b), ^{and} the
12 filling of any delegation vacancy, and the nullification of any vote taken in violation
13 of sub. (3) (a).

14 (END)

Insert 3-13

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3696/P2ins
JK:cjs:rs

Insert 2 - 4

1 (c) "Delegate" means an individual appointed under sub. (2) to represent the
2 state of Wisconsin at an Article V convention.

Insert 3 - 13

3 ³~~(6)~~ After Congress calls for an Article V convention, the legislature shall create
4 a joint committee of correspondence responsible for communications with the
5 delegates to the convention. The delegates shall direct all communications with the
6 legislature to the joint committee of correspondence, including the adoption or
7 modification of rules, the language of any proposed amendment under discussion,
8 administrative matters, or anything else requiring legislative guidance. If the joint
9 committee of correspondence does not approve of the adoption or modification of
10 rules governing the convention within 48 hours of receiving notification from the
11 delegates, the delegates' authority to represent the state of Wisconsin at the
12 convention is revoked.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

- date -

LRB-3696/P2dn

JK: *[initials]*

[initials]

Representative Kapenga:

Please review this draft carefully to ensure that it is consistent with your intent. The instructions indicate that the legislature must create a committee of correspondence. I assumed that that committee would be a joint committee.

The instructions also indicate that if the committee does not approve of any rule adoption or modification, then the delegates' authority is revoked. The extent of that revocation, however, is not clear from the instructions. Therefore, the draft indicates that, if the committee does not approve a rule adoption or modification, the delegates' authority to represent the state of Wisconsin at the convention is revoked. Is that consistent with your intent?

*

Joseph T. Kreye
Senior Legislative Attorney
Phone: (608) 266-2263
E-mail: joseph.kreye@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3696/P2dn
JK:sac:jm

December 20, 2013

Representative Kapenga:

Please review this draft carefully to ensure that it is consistent with your intent. The instructions indicate that the legislature must create a committee of correspondence. I assumed that that committee would be a joint committee.

The instructions also indicate that if the committee does not approve of any rule adoption or modification, then the delegates' authority is revoked. The extent of that revocation, however, is not clear from the instructions. Therefore, the draft indicates that, if the committee does not approve a rule adoption or modification, the delegates' authority to represent the state of Wisconsin at the convention is revoked. Is that consistent with your intent?

Joseph T. Kreye
Senior Legislative Attorney
Phone: (608) 266-2263
E-mail: joseph.kreye@legis.wisconsin.gov

Kreye, Joseph

From: Koenen, Kyle
Sent: Tuesday, January 07, 2014 11:43 AM
To: Kreye, Joseph
Subject: Draft review: LRB -3696/P2 Topic: Selecting state delegates for an article V convention

My boss just got a chance to look over it and he was pleased with the exception of one minor change listed below. We are under a bit of a time crunch, as far as releasing this bill and a resolution that goes with it. We had plans to release it on Thursday, and wanted to see if we could get the bill with LRB analysis before then. Any expediency would really help with our plans. Let me know if you have any questions. Thanks!

Change P3/L10: legislature to the joint committee of correspondence, including the proposed adoption or

Kyle Koenen

Research Assistant
Office of Rep. Chris Kapenga
99th Assembly District
220 North, State Capitol
(608)266-3007



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3696/P2
JK:cjs&sac:jm

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 1-8-14

Today

Con Cat

1 AN ACT *to create* 13.176 of the statutes; **relating to:** appointing delegates for
2 a convention under Article V of the United States Constitution.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 13.176 of the statutes is created to read:

4 **13.176 Article V convention.** (1) In this section:

5 (a) "Article V application" means a joint resolution, as authorized under Article
6 V of the U.S. Constitution, adopted by both houses of the legislature applying to
7 Congress for an article V convention for proposing amendments.

8 (b) "Article V convention" means a convention called by Congress upon
9 application of the legislatures of at least two-thirds of the states for the purpose of

1 proposing amendments to the U.S. Constitution, as authorized by article V of the
2 U.S. Constitution.

3 (c) “Delegate” means an individual appointed under sub. (2) to represent the
4 state of Wisconsin at an Article V convention.

5 (d) “Unauthorized amendment” means a proposed amendment to the U. S.
6 Constitution that is outside of the scope of the subject matter of the article V
7 application or the call of the article V convention.

8 (2) (a) If, as a result of an article V application, Congress calls an article V
9 convention, the legislature and the governor shall appoint 5 delegates to attend the
10 convention as follows:

- 11 1. The speaker of the assembly shall appoint 2 members of the assembly.
- 12 2. The president of the senate shall appoint 2 members of the senate.
- 13 3. The governor shall appoint 1 member of either the assembly or the senate.

14 (b) Any vacancy in the delegation appointed under par. (a) shall be filled in the
15 manner provided under par. (a).

16 (c) The term for each delegate appointed under par. (a) begins with the call of
17 the Article V convention and ends on the day of the final adjournment of the
18 convention.

19 (3) (a) No delegate appointed under sub. (2) may vote at an article V convention
20 to consider or approve an unauthorized amendment.

21 (b) Any delegate voting in violation of par. (a) may be immediately dismissed
22 as a delegate by the approval of a majority of the other delegates appointed under
23 sub. (2). No more than one delegate at a time may be dismissed under this
24 paragraph. If a delegate is dismissed, another delegate may not be dismissed until
25 a new delegate has been appointed to replace the first dismissed delegate.

(c) The speaker of the assembly, president of the senate, and governor shall each maintain a list of alternate appointees in case a delegate is dismissed as provided under par. (b).

(4) The secretary of state shall certify in writing to the article V convention the identity of the delegates appointed under sub. (2) or dismissed under sub. (3) (b) and the filling of any delegation vacancy.

(5) After Congress calls for an Article V convention, the legislature shall create a joint committee of correspondence responsible for communications with the delegates to the convention. The delegates shall direct all communications with the legislature to the joint committee of correspondence, including the adoption or modification of rules governing the convention, the language of any proposed amendment under discussion, administrative matters, or anything else requiring legislative guidance. If the joint committee of correspondence does not approve of the adoption or modification of rules governing the convention within 48 hours of receiving notification from the delegates, the delegates' authority to represent the state of Wisconsin at the convention is revoked.

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3696/P3ins
JK:cjs&sac:jm

Insert A

Under Article V of the United States Constitution, upon the application of the legislatures of at least two-thirds of the states, Congress must call a convention for the purpose of proposing amendments to the U.S. Constitution. Under this bill, if Congress calls such a convention, the legislature and the governor must appoint five delegates to attend the convention as representatives of this state.

Under the bill, if a delegate votes at the convention to consider or approve an unauthorized amendment, the delegate may be immediately dismissed by the approval of a majority of the other appointed delegates for this state and replaced with a new appointee. The bill defines an "unauthorized amendment" as an amendment that is outside the scope of the application or the call of the convention.

The bill also requires the legislature to create a joint committee of correspondence that is responsible for communications with delegates to the convention. The convention delegates from this state must direct all communications with the legislature to the committee, including the proposed adoption or modification of rules governing the convention. If the committee does not approve the proposed adoption or modification of such rules within 48 hours of receiving notice from the delegates, the delegates' authority to represent this state at the convention is revoked.

the

Kreye, Joseph

From: Kreye, Joseph
Sent: Thursday, January 09, 2014 9:15 AM
To: Koenen, Kyle
Subject: RE: Draft review: LRB -3696/P2 Topic: Selecting state delegates for an article V convention

The selection of Joint Finance members does vary based on whether or not the same party controls both houses. A tie vote results in no action on the question before the committee. There is no precedent for adjusting a committee's membership based on a split legislature. There is also a practical issue has to how you would accomplish that. Which house gets allocated the additional member? How would you decide in an equitable way you gets to choose?

Joseph T. Kreye
Senior Legislative Attorney
Legislative Reference Bureau
608 266 2263

From: Koenen, Kyle
Sent: Thursday, January 09, 2014 9:03 AM
To: Kreye, Joseph
Subject: RE: Draft review: LRB -3696/P2 Topic: Selecting state delegates for an article V convention

Let me chat with Chris as soon as he gets in. How is selection of Joint Finance done in the event of a split house? We would want 5 people on the committee in the case of a split house.

From: Kreye, Joseph
Sent: Thursday, January 09, 2014 8:55 AM
To: Koenen, Kyle
Subject: RE: Draft review: LRB -3696/P2 Topic: Selecting state delegates for an article V convention

Kyle,

With regard to the selection of members to the committee, are you really suggesting that the governor would make an appointment to a joint legislative committee? Besides there being no precedent for it, it also brings up a separation-of-powers issue to the extent that the executive branch would be interfering in the legislative process. In short, the executive branch cannot make appointments to a legislative committee.

I can have the assembly speaker appoint 2 members and the senate president appoint 2 members. Or I can work up some variation of that.

Please advise.

Joseph T. Kreye
Senior Legislative Attorney
Legislative Reference Bureau
608 266 2263

From: Koenen, Kyle
Sent: Thursday, January 09, 2014 8:22 AM
To: Kreye, Joseph
Subject: RE: Draft review: LRB -3696/P2 Topic: Selecting state delegates for an article V convention

I appreciate you getting it out so quickly. We were talking with our senate colleagues and they pointed out a couple of changes that need to be made before we circulate for co-sponsorship today. Are you able to make these changes this morning so we can get it jacketed today? I apologize for the short notice. Thanks.

Two updates to the DLA:

1. (5) – we need to include a sentence that states the committee shall be selected in the same manner as (2) (a). This will ensure there are no deadlocks in the case of a split legislature.
2. (5) – change the approval of rules adoption and modifications so they have 48 hours after notification to approve or deny, and in the absence of a response approval is assumed.

Kyle Koenen

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Office of Rep. Chris Kapenga
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220 North, State Capitol
(608)266-3007

From: Kreye, Joseph
Sent: Wednesday, January 08, 2014 8:42 AM
To: Koenen, Kyle
Subject: RE: Draft review: LRB -3696/P2 Topic: Selecting state delegates for an article V convention

Kyle,

I'll try to get this out to you this afternoon.

Joe

Joseph T. Kreye
Senior Legislative Attorney
Legislative Reference Bureau
608 266 2263

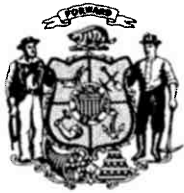
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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3696/3

JK:cjs&sac:jm

stays RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

NOW

1-9-14

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Gen Cat

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SECTION 1

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(END)

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